Court No. 2

Civil Misc. Writ Petition No. 124 (M/S) of 2002.

Tej Pal Singh ……..… Petitioner.

Vs.

Presiding Officer, Labour Court,
Dehradun and another …… Respondents.

……..

Hon'ble P. C. Verma, J.

This writ petition has been filed by the petitioner challenging the award dated 14.01.2000 made by the Labour Court in reference case No. 281 of 1999. The workman was working with the Irrigation Department and had worked from October 1986 to 03.6.1992. His services were terminated on 04.6.1992. The petitioner workman slept over the matter for about 7 years and did not take any step against his termination but in the month of September 1998 he woke up and moved an application for making reference under Section 4K of the U.P. Industrial Disputes Act (hereinafter referred to as the Act). The application was supported by another application for condonation of delay in making the application for reference. In the application for condonation of delay for making the reference it has been stated by the petitioner that he continuously approached the employer to reinstate him but despite the assurance he was not reinstated. He awaited for about six years for an order of reinstatement by the employer but when no order was passed, he made a reference. This is the statement of the petitioner. Whether this statement can be believed is a question to be seen. It appears that the petitioner slept over the matter for six years then in the month of September 1998 he moved the application with concocted story narrated in the application for condonation of delay. Thus, there was total eclipse of dispute for more than six years and about seven years when he made a request to the State Government to make a reference. The reference was made after about seven years without deciding as to whether at the time of reference the dispute existed or not or it was extinguished on account of

long eclipse over the dispute and enaction on the part of the petitioner workman. However, the reference was made in the following terms –

> Whether the termination of services by the employers of their employee Sri Tejpal Singh with effect from 04.6.1992 was proper and legal ?

After receipt of the reference the Labour Court registered the case and issued notices to the parties. After filing written statement, evidence was also led.

The Labour Court found the violation of provisions of Section 6N of the Industrial Disputes Act and accordingly held that it was not a retrenchment according to provisions of Section 6N of the Act but instead of reinstatement the Labour Court moulded the relief taking into account the long delay in making the reference and granted the relief to the petitioner that he shall be given benefit of provisions of Section 6Q of the Act. In my opinion, the judgment of the Labour Court is perfectly in accordance with the law laid down by the Apex Court in the case of Sapan Kumar Pandit versus U.P.State Electricity Board and others, reported in 2001 (90), F.L.R. 754 (Supreme Court). Therefore, I do not find it a fit case to interfere with the award made by the Labour Court.

The petition is dismissed accordingly.

(P.C. Verma, J.)

24.03.2003
P.Singh